



## **Memorandum**

TO: Mayor and City Council

FROM: Bob Morgan, Interim City Manager

DATE: September 4, 2009

SUBJECT: Items for Your Information

---

### **IFYI HIGHLIGHTS**

- Recommended Methods of Controlling Budgets and Use of Outside Counsel
- Proposed Downtown Ordinance Changes
- Update on Cameras Along High Point Road Corridor
- Update on Greenway Benches
- Deputy Fire Chief Selected
- Items for Staff Follow-up

### **Recommended Methods of Controlling Budgets and Use of Outside Counsel**

Attached is a memo from City Attorney Terry Wood outlining a proposal to control budgets and the use of outside legal counsel.

### **Proposed Downtown Ordinance Changes**

Attached is the DRAFT Council Agenda Item, and supporting DRAFT Attachments, designed to address current issues in the downtown area. This item is scheduled for Council's consideration at the September 15, 2009 Council Meeting.

### **Update on Cameras Along High Point Road**

Preliminary research has begun among city staff regarding the placement of wireless cameras along the High Point Road Corridor. Staff is securing cost and timeline estimates from vendors. A written report will be provided by the end of September.

### **Update on Greenway Benches**

City staff is contacting area neighbors to solicit their input on the course of action they desire to effectively remedy the illegal activity occurring near the benches on the Greenway adjacent to the 300 block of Bilbro Street.

### **Deputy Fire Chief Selected**

Fire Chief Greg Grayson has selected Bobby W. Nugent to serve as Deputy Chief of the Emergency Services Division for the City of Greensboro Fire Department. Nugent has served the Greensboro Fire Department for over 30 years, most recently as Interim Deputy Chief. See the attached Press Release for details.

### **Items for Staff Follow-up**

After each meeting of the City Council, city staff documents the follow-up actions necessary to respond to Council Members' requests made during the meeting. Attached is the list of city staff follow-up items generated at the September 1, 2009 City Council Meeting.

# MEMORANDUM

**Date:** August 26, 2009

**To:** Bob Morgan, Interim City Manager

**From:** Terry Wood, City Attorney

**Subject:** Recommended Methods of Controlling Budgets and Use of Outside Counsel

## **Background**

Due to continuing costs associated with the use of outside counsel on on-going City issues, the Council and Manager have expressed their desire to have City Staff control the use of outside legal counsel in order to reduce expenses for such attorneys. The City Attorney's office is also strongly motivated in such endeavors. In an effort to reduce the use of outside attorneys and to keep outside attorney's fees at a minimum, we propose the following procedures. I will gladly provide further information upon your request.

## **Proposal**

Since several City Departments retain outside counsel, it is proposed that the City Manager adopt a citywide policy for the selection of outside legal counsel with the following requirements:

1. Where feasible, all legal matters should be handled in-house considering the nature of the matter, the expertise required, and the urgency of response. All matters not involving conflicts, unavailable expertise, licensing, Court approvals, or additional staff should be handled by the City Legal Staff. In those instances where outside attorneys are retained, City Legal staff, and the staff of other Departments, should be used to assist where possible to keep outside attorney's expenses to a minimum.
2. Applicant attorneys would have to meet City standards with reference to non-discrimination of protected classes as they relate to hiring, employment and contracting and to meet the City's contracting standards.
3. The outside counsel policy would apply to all Departments where such counsel are required, or determined necessary, by the Manager upon the recommendation of the City Attorney and the Head of the involved Department.
4. There should be a selection process for outside counsel which follows the locally advertised Request for Proposal (RFP) initiative. RFP's would be solicited for three categories of legal services. This includes those needed for (1) specific one-time projects or matters as set out in 5(a) below, (2) those needed on a continuing basis such as Board representation, lawsuits and other such matters as set out in 5(b) below, and (3) on-call availability as selected by a

committee made up of representatives from the Manager's Office, Legal Department, and the Department involved as set out in 5(c) below.

5. The various RFP's should include the following requirements and specifications:
  - a. When requests are being made for specific one-time projects the respondent should include an accurate projection of what costs will be incurred by the City. Budgets, as presented by applicants, may be reviewed by City Finance, Budget and Evaluation, and the Legal Department. Although hourly rates for Attorneys, paralegals, and services should not be required, they may be included by the respondent for informational purposes; however the essence of the Response will be a lump sum for the project including all required legal involvement.
  - b. When requesting RFP's for ongoing Legal Services, such as Board representation, continuing cases, arbitrations, hearings, investigations, and mediations, the specific services should be fully described and outlined. The hourly rates for Attorneys, paralegals, assistants, and other services should be clearly set out and described.
  - c. The City should also request proposals for on-call Legal services whereby immediate assistance may not be needed but the Legal firms would be on-call for quick response when needed. These on-call agreements would be effective for a defined period of time (such as two-years). During the on-call period, the quoted rates and fees would not change.
6. Under no scenario should additional entities, persons, or specialists such as investigators, appraisers, expert witnesses, etc. be retained without prior approval of the City.
7. Criteria used to determine which firms would be selected should be:
  - a. Areas of expertise as compared to scope of services;
  - b. Knowledge of subject matter;
  - c. History of, and commitment to, non-discrimination and affirmative action;
  - d. Projected costs;
  - e. Contingent fee options;
  - f. Budget proposals;
  - g. Availability with reference to location and time;
  - h. Significant conflicts that cannot be waived;
  - i. Proof of required professional liability insurance;
  - j. Creativity in providing services;
  - k. Firm rating with reference to professional competence; and
  - k. Other criteria as determined applicable by the circumstances.

I will gladly provide further information upon your request.



## DRAFT

City of Greensboro  
City Council  
Agenda Item

**TITLE: Amending Chapter 18, and Chapter 20 to address current issues in the Central Business District**

Department: Legal	Meeting Date: September 15, 2009
Contact 1: A. Terry Wood	Public Hearing: NA
Phone: 336-373-2695	Advertising Date: NA
Contact 2: Tom Carruthers	Advertised By: NA
Phone: 336-373-4628	Authorized Signature:
Attachments:	<b>Attachment A:</b> ORDINANCE AMENDING CHAPTER 18, ARTICLE IV, "OFFENSES OF UNREASONABLE OR DISTURBING SOUND" <b>Attachment B:</b> ORDINANCE AMENDING CHAPTER 20 OF THE GREENSBORO CITY CODE ENTITLED "PEDDLERS, SOLICITORS, ETC."

**PURPOSE:**

Amending Chapter 18, and Chapter 20 to address current issues in the Central Business District

**BACKGROUND:**

The Central Business District is exempted from Section 18-50 "Unlawful Noise Producing Activities." Though Section 18-49 "Unlawful Noises and Sounds" still applies to this area, all activities listed in 18-50 became defense issues in our local Courts. This has prevented the Greensboro Police Department from exercising reasonable crowd control, especially late at night. The removal of the Downtown exception will hopefully resolve this problem. Additional safeguards for festivals and events have also been added.

Chapter 20-69 has been amended to address ongoing panhandling issues. The last 12 months has seen an increase in panhandling citywide in general and specifically downtown. Panhandling permits have doubled in the last 12 months. Problems with panhandling continue with individuals believed to be under the influence of alcohol. There are also problems with panhandling at parking areas downtown. Typically panhandlers approach individuals exiting their vehicles to "assist" the drivers in understanding downtown parking procedures. This contact becomes a request for funds. This contact creates a threatening situation for some citizens. Women in particular are aware of the danger of men approaching their vehicles as they exit and are concerned with their personal safety.

Local commercial eateries routinely request GPD to request panhandlers to leave fronts of restaurants where they impede restaurant traffic. Their presence in close proximity to the entrance of the commercial establishment discourages business. This makes operation of the downtown business more difficult than the business located on private property outside of downtown.

Individuals standing in line at ATMs or leaving banks are also targets.

There is a wide array of services to the indigent, homeless and disadvantaged persons in the downtown area. These include the homeless shelter, Healthserve, Urban Ministry, Salvation Army, The Daycenter, The Bardolph Center, Hospitality House, First Presbyterian, and West Market Street Church. These facilities provide food, shelter, medical, mental health care and constructive daytime environments for the benefit of this population.

The net result of these services is a disproportionate increase in panhandling in the downtown area. This affects the extensive city efforts in redeveloping the urban center by encouraging residential and commercial activity. The proposed Code amendments are intended as reasonable time and place restrictions of this constitutionally protected activity of panhandling.

**BUDGET IMPACT:**

This program will not require any additional City funding.

**RECOMMENDATION / ACTION REQUESTED:**

It is recommended that the City Council adopt the attached Code amendments.

**Attachment A**

**DRAFT  
AMENDING CHAPTER 18**

**ORDINANCE AMENDING CHAPTER 18, ARTICLE IV, "OFFENSES OF  
UNREASONABLE OR DISTURBING SOUND"**

WHEREAS, the City of Greensboro has authority pursuant to Article 8 of Chapter 160A of the North Carolina General Statutes to adopt ordinances to protect the health, safety, or welfare of its citizens and peace and dignity of the City, and pursuant to G.S. 160A-184, may by ordinance prohibit or regulate noise disturbances or unreasonably loud noise.

(Editor's Note: Added text shown with underlines and deleted text shown with strikethroughs.)

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO, NORTH CAROLINA, THAT:

**CHAPTER 18 OF THE GREENSBORO CODE OF ORDINANCES, ARTICLE IV,  
"OFFENSES OF UNREASONABLE OR DISTURBING SOUND"**

Sec. 18-54 is amended to read as follows:

Sec. 18-54 "Exceptions from the article."

In the interest of public safety and convenience the following are exempted from the application of this article:

- (a) Emergency work made necessary to restore property to a safe condition; or required to protect persons or property from danger or potential danger; or work by private or public utilities when restoring utility service.
- (b) Street construction activity performed by, or on behalf of, a government agency on public streets; provided that all equipment is operated in accordance with the manufacturer's specifications and is equipped with all legally required noise-reducing devices in proper operating condition. Blasting and pile driving on street projects are exempted under this exception only to the extent that they are carried on between the hours of 7:00 a.m. and 10:00 p.m., Monday through Saturday.
- (c) Noises from activities of, or specifically authorized by, the State of North Carolina or the United States Government, or any of their agencies; or public or private educational institutions and schools. This provision shall not exempt collegiate fraternities or sororities from compliance with the provisions of this article.
- (d) Non-amplified crowd noises resulting from religious activities and entertainment or sports activities organized and conducted by churches.
- (e) Noises resulting from activities at public or commercial entertainment venues with a seating capacity of seven thousand (7,000), or more, between the hours of 7:00 a.m. until 12:00 midnight.

- (f) Emergency pressure relief valves; the operation of horns, sirens, or other emergency warning devices being used in emergency circumstances according to law.
- (g) The bells, chimes, or calls to services of churches, synagogues, temples, mosques, or other religious structures.
- (h) Organized fireworks displays carried on under the supervision of licensed experts with written authority from the Guilford County Board of Commissioners. Such displays shall be exempt only between the hours of 12:00 noon and 10:00 p.m., every day except the Fourth of July on which day they are exempt from 12:00 noon until 12:00 midnight.
- (i) Noise from electrical generators or water pumps during time of or other electrical power outages.
- (j) Noise from governmental vehicles providing public utility and sanitation services.
- (k) Yard and garden maintenance equipment including, but not limited to, mowers, tillers, leaf blowers, edgers, and weed eaters from 7:00 a.m. until 10:00 p.m.
- ~~l) Noises in the downtown business district from 7:00 a.m. until 2:00 a.m. the following day are exempt from the provisions of section 18-50 of this article, but not from the provisions of sections 18-48 and 49.~~
- (l) Parades, festivals, or other events in the downtown business district for which a city permit is issued.

This ordinance shall become effective upon adoption.

**Attachment B**

**DRAFT**  
**AMENDING CHAPTER 20**

**ORDINANCE AMENDING CHAPTER 20 OF THE GREENSBORO CITY CODE  
ENTITLED "PEDDLERS, SOLICITORS, ETC."**

WHEREAS, the City of Greensboro has authority pursuant to Article 8 of Chapter 160A of the North Carolina General Statutes to adopt ordinances to protect the health, safety, or welfare of its citizens and peace and dignity of the City, and pursuant to G.S. 160A-179, may by ordinance prohibit or regulate begging or otherwise canvassing the public for contributions for the private benefit of the solicitor or any other person; and

WHEREAS, the City of Greensboro has a significant governmental interest in keeping sidewalks and other pedestrian areas safe and free for use by pedestrians.

(Editor's Note: Added text shown with underlines and deleted text shown with strikethroughs.)

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO, NORTH CAROLINA, THAT:

Sec.20-69 shall be amended to read as follows:

Sec. 20-69. Place.

Any person who begs or solicits alms for his or her personal gain when the person is in any of the places listed below is guilty of a misdemeanor:

- (1) At any bus or train stop;
- (2) In any public transportation vehicle, facility, transit stop or taxi stand;
- (3) In any vehicle on the street; or
- (4) On private property, unless the person has written permission from the owner of the property to beg or solicit alms on the property; or
- (5) On any school property during the student arrival times or during the student departure times.
- (6) On any sidewalk adjacent to ~~an outdoor restaurant,~~ a motion picture theatre, outdoor theatre or palladium, any valid licensed vendor location, or where a line of patrons has formed.
- (7) Within 20 feet of the entrance to any financial institution or automated teller machine, regardless of whether or not such automated teller machine is located at or near a financial institution. Financial institution as used in this section means any bank, trust company, savings and loan association, credit union, check-cashing business, any other entity principally engaged in the business of lending or receiving or soliciting money on deposit; or
- (8) Within 20 feet of the entrance to any commercial establishment or private residence, or



- (9) In any parking, deck, garage or surface parking lot and not within 20 feet of the entrance and exits of these areas and not within 20 feet of any parking meter or parking kiosk, or
- (10) While under the influence of alcohol or other non prescribed drug or illegal substance, or
- (11) Within 20 feet of the visible barricade of any outdoor café whether such café is on the public sidewalk or on private property.

This ordinance shall become effective upon adoption.



# City of Greensboro

## NEWS RELEASE



Contact: Leslie Lipka, Community Services

(336) 574-4088

FOR IMMEDIATE RELEASE

### **Greensboro Fire Department Announces Deputy Chief Selection**



GREENSBORO, NC—(September 1, 2009) – Fire Chief Greg Grayson announced today the selection of Bobby W. Nugent to serve as Deputy Chief of the Emergency Services Division for the City of Greensboro Fire Department. Nugent has served the Greensboro Fire Department for over 30 years, most recently as Interim Deputy Chief.

Nugent began his career with the Greensboro Fire Department as a firefighter in 1979. Since joining the Department, he has held the rank of Fire Equipment Operator, Captain, Battalion Chief, Assistant Chief, and has served as Safety Officer, Chief of Staff, Assistant Training Officer, and District Commander. In addition to his fire experience, Nugent holds a Bachelor of Arts degree in Management & Ethics from John Wesley College, where he graduated with honors (Cum Laude). He also holds an Associate degree in Fire Protection Technology from GTCC. He is a graduate of the Executive Fire Officer program at the National Fire Academy, and of the Executive Development program from the North Carolina Association of Fire Chiefs.

Nugent has been married for 32 years to his wife Carol. He has two grown sons. He enjoys travelling and spending time with his family.

In announcing the promotion, Fire Chief Greg Grayson shared, "Chief Nugent has been a consistent and positive leader during his time as Interim Deputy Chief, and I am looking forward to his continued valuable contributions."

Nugent, who will begin in his position immediately said, "I've been fortunate throughout my career to be a part of helping this Department attain great milestones, such as achieving ISO Class 1 status and becoming Nationally Accredited. I'm excited now about being able to continue helping this Department achieve its very best as we move towards the future."

###

City of Greensboro  
**Items from City Council for Staff Follow-up**  
From September 1, 2009 City Council Meeting

**City Manager's Office**

1. *Interim City Manager Bob Morgan* requested to explore options for resolving issues related to Greenway benches located along the 300 block of Bilbro Street.

**STATUS: In progress; progress report to be provided in upcoming *Items for Your Information*.**

2. *Interim City Manager Bob Morgan* requested to provide Council with bullet points on the positive and negative effects of releasing and re-using methane gas from the White Street Landfill.

**STATUS: In progress; progress report to be provided in upcoming *Items for Your Information*.**

3. *Interim City Manager Morgan* and *Acting Parks & Recreation Director Anthony Wade* requested to revisit the options for maintenance to the stream easements, investigate the use of stimulus funding for park restoration, explore alternate locations for the park, and to communicate with stakeholders as well as the Guilford Delegation with regard to Benbow Park stream mitigation and location.

**STATUS: In progress; progress report to be provided in upcoming *Items for Your Information*.**

4. *Assistant City Manager for Economic Development Andy Scott* requested to research the City being more proactive in addressing MWBE issues.

**STATUS: In progress; progress report to be provided in upcoming *Items for Your Information*.**

**Engineering & Inspections Department**

1. *E&I Director Butch Simmons* requested to add the MWBE contractors in the audience to the mailing list for upcoming training classes.

**STATUS: Action complete.**

**Legal Department**

1. *City Attorney Terry Wood* requested to get Hickory Trails resident Kesha McNeil's contact information.

**STATUS: Action complete.**

**Public Affairs**

1. Public Affairs staff requested to post public awareness materials on Channel 13 regarding Human Trafficking.

**STATUS: In progress; progress report to be provided in upcoming *Items for Your Information*.**